

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROBBIE D. JONES,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1523-JJF
)	
COMMISSIONER STAN TAYLOR,)	
WARDEN RICK KEARNEY,)	
SGT. BARRY BILES, and TEANNA)	
BANKS,)	
)	
Defendants.)	

DEFENDANTS' MOTION FOR LEAVE TO DEPOSE PLAINTIFF

COME NOW Defendants Stan Taylor, Rick Kearney, Barry Biles, and Teanna Banks and through undersigned counsel, and respectfully move this Honorable Court to enter an Order granting counsel the right to depose Plaintiff Robbie Jones ("Plaintiff"), an incarcerated individual:

1. Plaintiff is an inmate incarcerated at the Sussex Correctional Institution in Georgetown, Delaware.
2. Counsel for the Defendants wishes to depose Plaintiff as part of discovery in this case.
3. The discovery deadline in this matter is June 15, 2007.
4. Fed. R. Civ. P. 30(a)(2) requires leave of the Court to depose an incarcerated individual.
5. A form of order is attached to this motion that grants Defendants' counsel the right to depose Plaintiff.

WHEREFORE, Defendants respectfully request that this Honorable Court grant their Motion for Leave to Depose Plaintiff Robbie Jones.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Stacey Xarhoulakos
Stacey Xarhoulakos, 4667
Deputy Attorney General
820 North French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400
stacey.xarhoulakos@state.de.us
Attorney for Defendants

Dated: May 3, 2007

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROBBIE D. JONES,)	
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Plaintiff,)	
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v.)	C.A. No. 04-1523-JJF
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WARDEN RICK KEARNEY,)	
SGT. BARRY BILES, and TEANNA)	
BANKS,)	
)	
Defendants.)	

7.1.1 CERTIFICATE OF COUNSEL

Undersigned counsel hereby certifies, pursuant to Local Rule 7.1.1, that:

1. Plaintiff Robbie Jones is currently incarcerated and it is not practical for undersigned counsel to communicate with him concerning Defendants' Motion for Leave to Depose Plaintiff.
2. Therefore, undersigned counsel assumes that the Motion is opposed.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

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BANKS,)	
)	
Defendants.)	

ORDER

This _____ day of _____, 2007,

WHEREAS, Defendants having requested leave to depose Plaintiff Robbie Jones pursuant to Fed. R. Civ. P. 30(a); and

WHEREAS, there being good cause shown for the granting of such motion;

IT IS HEREBY ORDERED, that Defendants' Motion for Leave to Depose Plaintiff shall be granted and Defendants shall have the right to depose Plaintiff Robbie Jones.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2007, I electronically filed *Defendants' Motion for Leave to Depose Plaintiff* with the Clerk of Court using CM/ECF. I hereby certify that on May 3, 2007, I have mailed by United States Postal Service, the document to the following non-registered participants:

Robbie Jones
SBI # 313356
Sussex Correctional Institution
P.O. Box 500
Georgetown, DE 19947

/s/ Stacey Xarhoulakos
Deputy Attorney General
Department of Justice
820 N. French St., 6th Floor
Wilmington, DE 19801
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